EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-0071-PST-E **TCEQ ID:** RN101909513 **CASE NO.:** 35197 **RESPONDENT NAME:** VALLIANI ENTERPRISES INC. dba Greenhouse Citgo

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:	•	
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X_PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Convenience sto SMALL BUSINESS:X_Yes OTHER SIGNIFICANT MATTERS: Therefacility location. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator TCEQ Enforcement Coordinator Bryan Sinclair, Enforcement Division Respondent: Mr. Rafique Valliani	_ No re are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on May 19, 2008. No or: None re Mr. Steven Lopez, Enforcement Division, Enforce	al pending enforcement actions regarding this rest in this matter. comments were received. ement Team 6, MC 128, (512) 239-1896; Mr.

RESPONDENT NAME: VALLIANI ENTERPRISES INC. dba Greenhouse Citgo DOCKET NO.: 2008-0071-PST-E

		in in the commence of the comm
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED 1001 /
Type of Investigation:Complaint	Total Assessed: \$8,500	Corrective Actions Taken:
X Routine Enforcement Follow-up Records Review	Total Deferred: \$1,700 X Expedited Settlement Financial Inability to Pay	The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
Date(s) of Complaints Relating to this Case: None	SEP Conditional Offset: \$0	a. Submitted the required completed UST registration and self-certification form and
Date of Investigation Relating to this Case: November 16, 2007	Total Paid (Due) to General Revenue: \$800 (remaining \$6,000 due in 34 monthly payments of \$171 each and one final payment of \$186)	obtained a delivery certificate on December 4, 2007;
Date of NOV/NOE Relating to this Case: December 19, 2007 (NOE)	Site Compliance History Classification _X_ High Average Poor	b. Submitted documentation verifying that daily and monthly inspections of the Stage II vapor recovery system is being
Background Facts: This was a routine investigation.	Person Compliance History ClassificationHighX_AveragePoor	c. Submitted documentation verifying that
WASTE	Major Source: Yes X No	the dry cap was repaired on November 16, 2007.
1) Failed to timely renew a previously issued underground storage tank ("UST") delivery certificate by submitting a properly completed UST registration and	Applicable Penalty Policy: September 2002	Ordering Provisions: The Order will require the Respondent to:
self-certificate form at least 30 days before the expiration date. Specifically, the prior UST delivery certificate expired on June		a. Within 30 days after the effective date of this Agreed Order, conduct the required
30, 2007 [30 Tex. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].		triennial testing for the Stage II vapor recovery system; and
2) Failed to make available to the common carrier a valid current TCEQ delivery certificate before accepting delivery of a		b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed
regulated substance into the USTs. Specifically, one fuel delivery was accepted without a delivery certificate [30]	en e	supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering
TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].	g de Maria de Astronomia de Carlos de Ca Carlos de Carlos de	Provision a.
3) Failed to conduct daily and monthly inspections of the Stage II vapor recovery		
system [30 Tex. Admin. Code § 115.244(1) and (3) and Tex. Health & Safety Code § 382.085(b)].		
4) Failed to verify proper operation of the Stage II vapor recovery system at least		
once every 12 months and the Stage II vapor space manifolding and dynamic back pressure at least once every 36 months or		
upon major system replacement or modification, whichever occurs first. Specifically, Stage II triennial compliance	,	
testing failed and the system was not		

RESPONDENT NAME: VALLIANI ENTERPRISES INC. dba Greenhouse Citgo **DOCKET NO.:** 2008-0071-PST-E

Page 3 of 3

retested [30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b)].	
5) Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacture and/or any applicable California Air Resources Board Executive Order and free of defects that would impair the effectiveness of the system. Specifically, the dry break cap was broken [30 Tex. ADMIN. CODE § 115.242(3) and Tex. HEALTH & SAFETY CODE § 382.085(b)].	

Additional ID No(s).: 74739

•

Policy Revision 2 (Septe	₹.	/ Calculation	n Works	sheet (P	•	November 6, 2007
TCEQ DATES Assigned	2-Jan-2008					
	20-Feb-2008 Screen	ning 8-Jan-2008	EPA Due			
RESPONDENT/FACILITY I	NFORMATION /ALLIANI ENTERPRIS	ES INC. dha Green	house Citao			
Reg. Ent. Ref. No.	RN101909513	LO IIVO. UDA GICCII			Inde	
Facility/Site Region	2-Houston		_ Major/I	Minor Source	Minor	
CASE INFORMATION Enf./Case ID No. 3	85107		l No	of Violations	5	
Docket No. 2	2008-0071-PST-E]	Order Type	1660	
Media Program(s) Multi-Media	Petroleum Storage Tanl	k and the same	Enf.		Steven Lopez Enforcement Team 6	
Admin. Penalty \$ Li	mit Minimum \$0	Maximum	\$10,000	LOS TEAM	<u>Emoreoment ream o</u>	
	Pe	nalty Calcul	ation Sec	tion		
TOTAL BASE PENAL	an arm a Milyanga aga ngagagaan ara a may maa maan iyo moo ka maanayaga mayaaya ya waxay	·			Subtotal 1	\$6,500
ADJUSTMENTS (+/-) 1						
Subtotals 2-7 are obtaine	ed by multiplying the Total Bas					•
Compliance Histor	'y	0%	Enhancement	Subt	otals 2, 3, & 7 	\$0
Notes	No adjus	stment due to comp	liance history.			
Culpability	No	0%	Enhancement	-25	Subtotal 4	\$0
Notes	The Responde	nt does not meet th	ne culpability cri	iteria.		
CALIFERE	errende en					\$0
Good Faith Effort		0% EDPRP/Settlement Offer	Trainfraithma billion 151 ar an C	·	Subtotal 5	4 0
Extraordinary Ordinary						
N/A	X (mark with				_	
Notes	The Responde	nt does not meet th	ne good faith cri	iteria.		
		0%	Enhancement*		Subtotal 6	\$0
	Total EB Amounts \$2,25 ost of Compliance \$2,13		d at the Total EB\$	Amount	TOTAL COLOR CORP. AND Second Sec	
SUM OF SUBTOTALS	127				Final Subtotal	\$6,500
OTHER FACTORS AS Reduces or enhances the Final Sul			31%		Adjustment	\$2,000
Notes		nhancement to cap				
L			******	Final Pe	nalty Amount	\$8,500
STATUTORY LIMIT AL	DJUSTMENT			Final Asse	essed Penalty	\$8,500
DEFERRAL			20%	Reduction	Adjustment	-\$1,700
Reduces the Final Assessed Penal	ty by the indicted percentage	. (Enter number only; e	g. 20 for 20% redu	rction.)		
Notes	Deferral	offered for expedite	ed settlement.			
PAYARI E PENALTY		eligije (1. pagilijan).				\$6.800

용하다 맞게 하는 말라는 것 하면 하는 물을 하는 것을 모르는 것이다.	ning Date 8-Jan-2008 Docket No. 2008-0071-PST-E		PCW
dies Zahl Habadillan al Saati Noord	spondent VALLIANI ENTERPRISES INC. dba Greenhouse Citgo	=	evision 2 (September 200
	se ID No. 35197 rence No. RN101909513	PCW	Revision November 6, 200
Notice and the control of the contro	[Statute] Petroleum Storage Tank	W* -	
and the control of th	ordinator Steven Lopez	$(A + \{ \varphi^{n-1} \}_{n \in \mathbb{N}})$	
nt an earlie an teagraph and an	Compliance History Worksheet	Tyrken, komiter og en er er Det skalen er er er er er er er	
Compliance Histor	y Site Enhancement (Subtotal 2)	Language Committee	
		Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
paratetaethashayai mang xalastitta	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	. 0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
protein makes maningstyling	Plea	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	t No	0%
1266	Adjustment P	Percentage (Su	ıbtotal 2) 0%
Repeat Violator (Su	ubtotal 3)	property parties for a	rista evelintzi.
l No	Adjustment P	Percentage (Sเ	ubtotal 3) 0%
	y Person Classification (Subtotal 7)		
Average P	Performer Adjustment P	Percentage (Sเ	ıbtotal 7) 0%
Compliance Histor	y Summary		
Compliance History Notes	No adjustment due to compliance history.		
	, Total Adjustment Percentage	e (Subtotals :	2, 3, & 7) 0%
manissianin saineen saakka keeli meli meli manis saasaan alaan massaan missaan men.			international and produce the state of the second

Screening Date	8-Jan-2008	Docke	et No. 2008-0071-PST-E	PCW
	VALLIANI ENTERPRISE	S INC. dba Greenhou	se Citgo	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision November 6, 2007
Reg. Ent. Reference No.				
Enf. Coordinator	Petroleum Storage Tank			
Violation Number	<u>_</u>			
Rule Cite(s)	30 Tex. A	dmin. Code § 334.8(c))(4)(A)(vii) and (c)(5)(B)(ii)	
of connections				
· .	Failed to timely renew	a previously issued II	IST delivery certificate by submitt	ing a
Violation Description	properly completed LIS		-certificate form at least 30 days	
Violation Description	the expiration date. Spe		delivery certificate expired on Ju	ıne 30,
		2007.		au en las
000000000000000000000000000000000000000				
			Base	Penalty \$10,000
>> Environmental, Property a	and Human Health M	atrix		0.000
	Harm			
OR Release	r	Minor		
Potential			Percent 0%	
	lt			
>>Programmatic Matrix		工程 人名英基		
Falsification	Major Moderate	Minor		
	X		Percent 10%	-
75				
Matrix	100% of t	he rule requirement w	as not met.	
Notes				
			Adjustment	\$9,000
			Aujustinent	
				\$1,000
Violation Events		A4 (2018)		
		3 3.45.3		
Number of Vic	olation Events 1		40 Number of violation days	
	daily	-1		
000000000000000000000000000000000000000	monthly			
mark only one	quarterly		Violation Base	Penalty \$1,000
with an x	semiannual			
·	annual	4		and the second s
·	single event x			
	One s	ingle event is recomm	nended.	7 av. av 20 av. 198
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimated	d EB Amount	\$3	Violation Final Penal	ty Total \$1,308
- Parameter and the second sec		This violation Final	Assessed Penalty (adjusted for	r limits) \$1,308
		This violation Fillal	nosessed i charty (adjusted for	Ψ1,000

Deens-J		CODDICEC INC15	Benefit W	***			
		TERPRISES INC. db	a Greennouse Ci	tgo	45.7%	(Marie 1971)	
Case ID No	Mark Control of the C				Propriet CHM		
Reg. Ent. Reference No	12				er et alle station de la compa	r	
The state of the s	ı Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No	1		occupati Namo di simus sa i sininte con solitar e con e con e	or executives relaxable	Maria Caracana da Caracana	0.00	Depreciation
	1 1 No. 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	100年9月18日本	(2) (BED (1) (1)	1.00		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						211440
A COLOR OF THE STATE OF THE STA			-				
Delayed Costs			100	1	1.45 4.46		
Equipment		7/10 2 34 37 20 20 20 20		-0:0	\$0	\$0	\$0
Buildings	7.45 F-40	TO THE PART OF THE	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$O '
Land	Table door to be and		100 AC 100	0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	''''/n/a	\$0
Training/Sampling	5 20 2 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5			0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	ELECTRIC CONTROL OF		T	0,0	\$0	n/a=====	\$0
Other (se weeded)	MA 00		4-Dec-2007	0.5	AA		
Other (as needed)		31-May-2007 cost to renew a deli	very certificate by	submittli			
Notes for DELAYED costs	Estimated certification		very certificate by I is 30 days prior	submittli	ng a properly com tion of UST registi	pleted UST registrat	ion and self-
	Estimated certification	cost to renew a deliv	very certificate by I is 30 days prior	submittli to expira complian	ng a properly com tion of UST registr ce. item (except for	pleted UST registrat ation and Final Date 대기기	ion and self- e is the date of osts)
Notes for DELAYED costs	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittli to expiration compliand intering	ng a properly com tion of UST registr ce, item (except for \$0	pleted UST registrat ration and Final Date (15,5)t one-time avoided c	ion and self- e is the date of osts)
Notes for DELAYED costs Avoided Costs	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittli to expira complian ntering	ng a properly com tion of UST registr ce. item (except for \$0 \$0	pleted UST registrat ration and Final Date cushing avoided constitution \$0 \$0	ion and self- is the date of osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittli to expiration compliand intering	ng a properly com tion of UST registr ce. item (except for \$0 \$0 \$0	pleted UST registrat ration and Final Date one-time avoided c \$0 \$0 \$0	ion and self- b is the date of osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittir to expira complian ntering 0.0	ng a properly com tion of UST, registr ce. ; item (except for \$0 \$0 \$0 \$0	pleted UST registrat ation and Final Date (1) ** one-time avoided c \$0 \$0 \$0 \$0	ion and self- e is the date of osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittli to expirate compliane intering 0.0 0.0	ng a properly com tion of UST, registr ce, item (except for \$0 \$0 \$0 \$0	pleted UST registrat ation and Final Date one-time avoided c \$0 \$0 \$0 \$0 \$0	on and self- b is the date of osts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittli to expiral compliand ntering 0.0 0.0 0.0	ng a properly com tion of UST registr ce, item (except for \$0 \$0 \$0 \$0 \$0	pleted UST registrat ration and Final Date custome-time avoided customes \$0 \$0 \$0 \$0 \$0 \$0	ion and self- b is the date of sosts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittli to expirate compliant of the c	ng a properly com tion of UST, registr ce, item (except for \$0 \$0 \$0 \$0	pleted UST registrat ation and Final Date one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittling on the submittle of the submittle of the submittle of the submittle of the submittee of the subm	ng a properly com tion of UST registr ce, item (except for \$0 \$0 \$0 \$0 \$0	pleted UST registrat ration and Final Date custome-time avoided customes \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittling on the submittle of the submittle of the submittle of the submittle of the submittee of the subm	ng a properly com tion of UST registr ce, item (except for \$0 \$0 \$0 \$0 \$0	pleted UST registrat ration and Final Date custome-time avoided customes \$0 \$0 \$0 \$0 \$0 \$0	ion and self- b is the date of sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittling on the submittle of the submittle of the submittle of the submittle of the submittee of the subm	ng a properly com tion of UST registr ce, item (except for \$0 \$0 \$0 \$0 \$0	pleted UST registrat ration and Final Date custome-time avoided customes \$0 \$0 \$0 \$0 \$0 \$0	ion and self- b is the date of sosts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittling on the submittle of the submittle of the submittle of the submittle of the submittee of the subm	ng a properly com tion of UST registr ce, item (except for \$0 \$0 \$0 \$0 \$0	pleted UST registrat ration and Final Date custome-time avoided customes \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated certification	cost to renew a deliv form. Date Required	very certificate by I is 30 days prior	submittling on the submittle of the submittle of the submittle of the submittle of the submittee of the subm	ng a properly com tion of UST registr ce, item (except for \$0 \$0 \$0 \$0 \$0	pleted UST registrat ration and Final Date custome-time avoided customes \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Da	te 8-Jan-2008	Docl	ket No. 2008-0071-PST-E		PCW
		RISES INC. dba Greenhou	use Citgo	Policy Revi	sion 2 (September 2002)
Case ID N				PCW Re	vision November 6, 2007
Reg. Ent. Reference N			•		
	e] Petroleum Storage T	ank			
Enf. Coordinate					
Violation Numb	· · · · · · · · · · · · · · · · · · ·				
Rule Cite	30 Tex. Admir	n. Code § 334.8(c)(5)(A)(i)) and Tex. Water Code § 26.346	57(a)	***************************************
Violation Description	on before accepting de	lable to the common carri livery of a regulated subst elivery was accepted witho	er a valid current TCEQ delivery tance into the USTs. Specificall out a delivery certificate.	certificate y, one fuel	
			Bas	se Penalty	\$10,000
>> Environmental, Property	and Human Healt	h Matrix			- And Andrews
	Ha	rm			n para de como
Releas OR Actu	r	erate Minor			i i i i i i i i i i i i i i i i i i i
Potent			Percent 0%		to decide and positions
>>Programmatic Matrix					
Falsification	n Major Mode	erate Minor			
	X		Percent 10%		
Matrix Notes	1009	% of the rule requirement	was not met.		To be a series of the series o
			Adjustment	\$9,000	
					\$1,000
Violation Events					
Number of '	/iolation Events		1 Number of violation da	ays	rencedentakoldisk
	daily				NA PARA PARA PARA PARA PARA PARA PARA PA
mark only on with an x	monthly e quarterly semiannual annual single event		Violation Bas	se Penalty	\$1,000
	**************************************			<u> </u>	
		One single event is recom	mended.		
Economic Benefit (EB) for	his violation	ta yadada	Statutory Limit Te	est	
Estima	ed EB Amount	\$0	Violation Final Per	naity Total	\$1,308
		This violation Fina	al Assessed Penalty (adjusted	for limits)	\$1,308
				350 350	

Violation No	a Petroleum Stor	age Tank			en e	Percent Interest	Years of Depreciation
			101114			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Descriptio	n No commas or \$						
S. L. William							
Delayed Cost Equipment	S	[Commence of the commence of	- 10 C C C C C C C C C C C C C C C C C C	7 0.0	\$0	\$0 , I	\$0
Buildings	- Company Services			0.0	\$0	\$0	\$0
Other (as needed)			- Continue	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land			An and experient	0.0	\$0	n/a	\$0
Record Keeping System		†		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	Value Sanction (State)		Grandan L	0.0	\$0	'n/a	- \$0
Notes for DELAYED costs Avoided Cost	i fioa	M.			d in Violation No.	1. one-time avoided c	osts)
Disposal				T 0.0	\$0	\$0	\$0
Personnel	7.777.000.000		500	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			0.0	\$0	\$0	\$0
Financial Assurance [2]			1001.001.000.00	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	1. 1946 AF 1. 80 1. 80 2.	. 2 10004-1004		0.0	\$0	\$0	\$0
Other (as needed)			- v	0.0	\$0	\$0	\$0
	961						
		300 May 100 May	拉斯 化自动性性硬性 的复数化二烷				and the second of the second account.

Screening Date			lo. 2008-0071-PST-E	PCW
	VALLIANI ENTERPRISES	INC. dba Greenhouse Ci	tgo Policy F	Revision 2 (September 2002)
Case ID No.			PCW	Revision November 6, 2007
Reg. Ent. Reference No.		4		
용성 (Transport Control of Control	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number Rule Cite(s)				ī .
Kule Gite(s)	30 Tex. Admin. Code § 115	5.244(1) and (3) and Tex	Health & Safety Code § 382.085(b)	
Violation Description	Failed to conduct daily and	d monthly inspections of	the Stage II vapor recovery system.	
			Base Penalty	\$10,000
>> Environmental, Property a	ind Human Health Mat	rix		
	Harm			
Release		Minor		
OR Actual			B	
Potential	L X		Percent 10%	*
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
			Percent 0%	
			and the second process of the second process	- · · · · · · · · · · · · · · · · · · ·
			nificant amounts of pollutants which nvironmental receptors as a result of	
			Adjustment \$9,000	
				\$1,000
				\$1,000
Violation Events				
Number of Vio	plation Events 1	45	Number of violation days	
			•	
	daily			
-	monthly			C4 000
mark only one with an x	quarterly x	,	Violation Base Penalty	\$1,000
	semiannual annual			
	single event			,
One quarterl		m the investigation date ince of December 31, 20	of November 16, 2007 to the date of 07.	Taranta da de la companya de la comp
Economic Benefit (EB) for th	is violation		Statutory Limit Test	th fathar
F-4'	J. F.D. A	£4.0501	Walatian Et al Barrella T. C.	#4 000
Estimated	d EB Amount	\$1,056	Violation Final Penalty Total	\$1,308
	-	This violation Final Ass	essed Penalty (adjusted for limits)	\$1,308

RN101909513 Petroleum Stor 3 Item Cost	age Tank				Percent Interest	Years of
						The second secon
Item Cost		Uten 1950 various manageri etti aven 1500 avenne 1600 killisti.			i ercent interest	Depreciation
Item Cost	STATE OF THE PARTY	sinaa k		Barrier .	5.0	1
and the second second	Date Required	Final Date	Yrs li	nterest Saved	Onetime Costs	EB Amount
No commas or \$				6145	300	2500 A
					1	
	<u> </u>	45 May 10	100	\$0	\$0.	\$0
	awalikin ji salah Mel	Life with the contract of the	And the second s			\$0
		The applied the state of				\$0
						\$Ö
			0,0	\$0	n/a	\$0
			0,0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
444 500 6 6 6 6 6 5		Mikinaki sa j	0.0	\$0	n/a	\$0
			0.0	\$0	n/a	\$0
					Facility in the second	
					Signatural	5.047.5
9000					Shillinger	
			-25-00-00			
ionajis, susupaktorkei jahilijaja	AMERICAL SERVICE SERVICE SERVICES	ed costs before	entering ite	m (except for o	one-time avoided c	osts)
ionajis, susupaktorkei jahilijaja	AMERICAL SERVICE SERVICE SERVICES	ed costs before 6	entering ite	m (except for c		osts) \$0
ionajis, susupaktorkei jahilijaja	AMERICAL SERVICE SERVICE SERVICES	ed costs before o	0.0	\$0 \$0	one-time avoided c \$0 \$0	\$0 \$0
ionajis, susupaktorkei jahilijaja	AMERICAL SERVICE SERVICE SERVICES	ed costs before o	0.0 0.0 0.0	\$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	\$0 \$0 \$0
ionajis, susupaktorkei jahilijaja	AMERICAL SERVICE SERVICE SERVICES	ed costs before (0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
ANN	UALIZE [1] avoid		0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
ionajis, susupaktorkei jahilijaja	AMERICAL SERVICE SERVICE SERVICES	ed costs before of	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
				0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	0.0	0.0

Scre	ening Date	8-Jan-2008	Do	ocket No. 2008-0071	-PST-E	PCW
 Laborated May Constitution and the Constitution of th	- 1 5 M - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	VALLIANI ENTERPRIS	SES INC. dba Greenl	house Citgo	Policy R	evision 2 (September 2002)
\$	ase ID No.				PCW	Revision November 6, 2007
Reg. Ent. Ref						
		Petroleum Storage Tai	nk			
	oordinator					
VIOIA	Rule Cite(s)					
	Rule Offe(3)	30 Tex. Admin. Co	ode § 115.245(2) and	Tex. Health & Safety	Code § 382.085(b)	
Violation	n Description	every 12 months and at least once every	the Stage II vapor sp 36 months or upon r t. Specifically, Stage	tage II vapor recovery space manifolding and d major system replacem II triennial compliance s not retested.	ynamic back pressure ent or modification,	
					Base Penalty	\$10,000
>> Environmental,	, Property a					
	5 1	Harm				
OR	Release Actual	Major Modera	ate Minor			
	Potential	X		Percent	25%	
>>Programmatic N	/latrix	15 JE 150	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			
12 P	Falsification	Major Modera	ate Minor			
				Percent	0%	
Matrix Notes		or the environment wil protective of human hea			ould exceed levels that f the violation.	
			475. ASS. A.	Adjustment	\$7,500	
					· · · · · · · · · · · · · · · · · · ·	\$2,500
Violation Events		den som et e				
	Number of Vio	lation Events 1		1095 Number of	violation days	- ·
	mark only one	daily monthly quarterly	52 ·	·v	iolation Base Penalty	\$2,500
	with an x	semiannual annual single event x				
	One singl	e event is recommende	ed for the three-year investigation	Mary 1981 and 1981 are a commercial and an a	ovember 16, 2007	
Economic Benefit	(EB) for thi	s violation	10 10 1 46 TM - 2057A	Statutor	y Limit Test	
	Estimated	I EB Amount	\$1,196	Violatio	on Final Penalty Total	\$3,269
			This violation F	inal Assessed Penalt	y (adjusted for limits)	\$3,269
			20.00			45. 44. 42. 42. 42.

Case ID No. 3		ERPRISES INC. at	oa Greenhouse Ci	tgo	75	"TWITTER TO SE	
Reg. Ent. Reference No. R					1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	r in of a larger as	
	etroleum Stora	age Tank				Percent Interest	Years of Depreciation
		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Mark It is			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		25.4 -52.5				
Delayed Costs					Miles III		
Equipment	COLARY COMMON COL			0,0	\$0	出 \$0	\$0
Buildings	T 25	NOT THE REPORT OF	1:57:517:55:45:57:58:57:7: 1:57:517:55:45:45:45:45:45:45:45:45:45:45:45:45:	0,0	\$0	\$0	\$0
Other (as needed)			10 MAR W.	0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a was t	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal			Sales are the sales and sales are sa	0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	two states and the		3).4015	0.0	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	4			Malahu Malahu	conful plan		1945 - 1877 - 1878 - 1878 - 1878 - 1878 - 1878 - 1878 - 1878 - 1878 - 1878 - 1878 - 1878 - 1878 - 1878 - 1878
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	ntering	item (except for	one-time avoided o	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$ 0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	16-Nov-2004	16-Nov-2007	3.9	\$196	\$1,000	\$1,196
Other (as needed)	Vicinia de la composición dela composición dela composición de la composición del composición de la co		Lytheren i Wilson verterali	0.0	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated co				quipment, Date R is the investigatio	equired is three yea	rs prior to the

Screening Date 8-Jan-2008 Docket No. 2008-0071-PST-E	PCW
	2 (September 2002)
	on November 6, 2007
Reg. Ent. Reference No. RN101909513	
Media [Statute] Petroleum Storage Tank	
Enf. Coordinator Steven Lopez Violation Number 5	
Pula Cita(s)	
30 Tex. Admin. Code § 115.242(3) and Tex. Health & Safety Code § 382.085(b)	our representation
Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacture and/or any applicable California Air Resources Board Executive Order and free of defects that would impair the effectiveness of the system. Specifically, the dry break cap was broken.	
Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix	
Harm Release Major Moderate Minor	
OR Actual Million	
Potential X Percent 10%	
	подпорти
>>Programmatic Matrix	anapata
Falsification Major Moderate Minor Percent 0%	anaanaa
	0.00
Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
Adjustment \$9,000	
	\$1,000
Violation Events	, and a second
Number of Violation Events 1 Number of violation days	
daily daily	
mark only one with an x semiannual annual annual	\$1,000
single event	
One quarterly event is recommended based on the November 16, 2007 investigation to the November 16, 2007 compliance date.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total	\$1,308

		ERPRISES INC. di	oa Greenhouse Ci	tgo	63.1	erika di samberaka	•
Case ID No.	32						
Reg. Ent. Reference No.	RN101909513				1000.014	194 - 1777 (1957)	al establish
Media Violation No.	Petroleum Stor	age Tank				Percent Interest	Years of Depreciation
Violationino		A STANSON A			The state of the s	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Compart Approximation of the Compart	EB Amount
Item Description	to 100 miles and the contract of			1.0			
Delayed Costs							
Equipment	\$35	16-Nov-2007	16-Nov-2007	0.0	\$0	\$0	\$0
Buildings	ΨΟΟ	3310-140V-2001	10-140V-2007	0.0	\$0	leady \$000 and in	\$0
Other (as needed)	1		- The second second second	0.0	\$0	\$0	\$0
Engineering/construction	77.75			0.0	\$0	\$0	\$0
Land		CONTRACTOR OF THE CONTRACTOR O		0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	om ve n/a	\$0
Training/Sampling		<u> </u>		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	r⊬ n/a	\$0
Permit Costs	(1.4.1%, 13.11.13.13.13.13.13.13.13.13.13.13.13.1			0.0	\$0	n/a	\$0
Other (as needed)	Good and the			0.0	\$0	n/a	\$0
	Actual cost to	replace the dry brea	ak cap,∷Date Req	100410	the date of investig	gation. Final Date is	
Notes for DELAYED costs Avoided Costs	SC Management and a state of the state of th			uired is t date.			the complianc
	SC Management and a state of the state of th			uired is t date. ntering	item (except for	gation.: Final Date is	the complianc
Avoided Gosts Disposal Personnel	SC Management and a state of the state of th			uired is t date. ntering	item (except for \$0 \$0	pation.: Final Date is	the complianc
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	SC Management and a state of the state of th			uired is to date. ntering 0.0 0.0 0.0 0.0		pation. Final Date is one-time avoided o \$0 \$0 \$0	the compliance
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	SC Management and a state of the state of th			ntering 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0	gation. Final Date is one-time avoided o \$0 \$0 \$0 \$0	the compliance costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	SC Management and a state of the state of th			ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	SC Management and a state of the state of th			ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	SC Management and a state of the state of th			ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	SC Management and a state of the state of th			ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	SC Management and a state of the state of th			ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	SC Management and a state of the state of th			ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	SC Management and a state of the state of th			ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Custom	er/Respondent/Owner-Operator:	CN602503906	VALLI	ANI ENTERPRISES	INC.	Classification	n: AVERAGE	Rating	g: 0.37			
Regulat	ted Entity:	RN101909513	GREE	ENHOUSE CITGO		Classification	n: HIGH	Site R	Rating: 0.00			
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION			TANK	REGISTRATION			74739					
_ocatior	n: ·			HOUSTON, TX, 770	184	Rating Date	e: September 01	07 Repea	t Violator: NO			
TCEQ F	Region:	REGION 12 - HO	USTON									
Date Co	ompliance History Prepared:	January 04, 2008	January 04, 2008									
Agency Decision Requiring Compliance History: Compliance Period:		Enforcement							t .			
		January 04, 2003	to Janua	ary 04, 2008								
TCEQ S	Staff Member to Contact for Additional Inf	ormation Regarding t	his Comp	oliance History								
Name:	Steven Lopez	Ph	one:	512-239-1896				•				
		Site C	ompliar	nce History Comp	onents				:			
1. Has t	he site been in existence and/or operatio	n for the full five year	compliar	nce period?	Yes							
	here been a (known) change in ownershi s, who is the current owner?	of the site during the compliance period?			Yes VALLIANI	ENTERPRIS	ES INC.					
4. if Ye	s, who was/were the prior owner(s)?					ABM Associates, Inc.						
5. When did the change(s) in ownership occur?				11/12/200	06		-					
Compo	onents (Multimedia) for the Site :				1000,000,000			-				
۹.	Final Enforcement Orders, court judge	ements, and consent	decrees	of the state of Texas	and the federa	l government.						
	N/A											
3.	Any criminal convictions of the state o	f Texas and the fede	ral goveri	nment.								
	N/A											
C.	Chronic excessive emissions events.			•								
	N/A											
).	The approval dates of investigations. (CCEDS Inv. Track. N	lo.)									
	1 12/19/2007 (609539)						ν.					
Ξ.	Written notices of violations (NOV). (C	CEDS Inv. Track. No	o.)									
₹.	Environmental audits. N/A											
Э.	Type of environmental management s	ystems (EMSs).										
	N/A											
Ⅎ.	Voluntary on-site compliance assessm	nent dates.										
	N/A											
•	Participation in a voluntary pollution re	duction program.										
	N/A											
	Early compliance.	•										
	N/A											
Sites Ou	utside of Texas											
	N/A											

en de la composition La composition de la La composition de la

en operation of properties of the second

en de la composition La composition de la La composition de la

en de la companya de la co

en de la companya de la co

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
VALLIANI ENTERPRISES INC. DBA	§	
GREENHOUSE CITGO	§	
RN101909513	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0071-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding VALLIANI ENTERPRISES INC. dba Greenhouse Citgo ("the Respondent") under the authority of Tex. Health & Safety Code ch. 382 and Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a convenience store with sales of gasoline at 3207 Greenhouse Road in Houston, Harris County, Texas (the "Station").
- 2. The Respondent's two underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 24, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Five Hundred Dollars (\$8,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Hundred Dollars (\$800) of the administrative penalty and One Thousand Seven Hundred Dollars (\$1,700) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Six Thousand Dollars (\$6,000) of the administrative penalty shall be payable in 34 monthly payments of One Hundred Seventy-One Dollars (\$171) each and a one final payment of One Hundred Eighty-Six Dollars (\$186). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
 - a. Submitted the required completed UST registration and self-certification form and obtained a delivery certificate on December 4, 2007;
 - b. Submitted documentation verifying that daily and monthly inspections of the Stage II vapor recovery system is being conducted as of December 31, 2007; and
 - c. Submitted documentation verifying that the dry cap was repaired on November 16, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

A property of the control of the contr

and the state of the The state of the state

entropies de la companya de la comp La companya de la co

and the second state of th

n de la composition La composition de la

entre de la companya de la companya

(1) A Company (

II. ALLEGATIONS

As owner and operator of the Station, the Respondent is alleged to have:

- 1. Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certificate form at least 30 days before the expiration date, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), as documented during an investigation conducted on November 16, 2007. Specifically, the prior UST delivery certificate expired on June 30, 2007.
- 2. Failed to make available to the common carrier a valid current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on November 16, 2007. Specifically, one fuel delivery was accepted without a delivery certificate.
- 3. Failed to conduct daily and monthly inspections of the Stage II vapor recovery system, in violation of 30 Tex. ADMIN. CODE § 115.244(1) and (3) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 16, 2007.
- 4. Failed to verify proper operation of the Stage II vapor recovery system at least once every 12 months and the Stage II vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first, in violation of 30 Tex. ADMIN. CODE § 115.245(2) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 16, 2007. Specifically, Stage II triennial compliance testing failed and the system was not retested.
- 5. Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacture and/or any applicable California Air Resources Board Executive Order and free of defects that would impair the effectiveness of the system, in violation of 30 Tex. ADMIN. CODE § 115.242(3) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on November 16, 2007. Specifically, the dry break cap was broken.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: VALLIANI ENTERPRISES INC. dba Greenhouse Citgo, Docket No. 2008-0071-PST-E" to:

n de la composition La composition de la Proprieta de la composition de la comp

en de la composition La composition de la La composition de la

A second of the control of the control

The control of the co

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, conduct the required triennial testing for the Stage II vapor recovery system, in accordance with 30 Tex. ADMIN. CODE § 115.245; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days

VALLIANI ENTERPRISES INC. dba Greenhouse Citgo DOCKET NO. 2008-0071-PST-E Page 5

after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

the steeper of the most property was a seven by the property of the property of the second section of the sec

(a) The second of the secon

A second of the control of the control

Ogganista i se su propositiva de la compansión de la compansión de la compansión de la compansión de la compan En la compansión de la co La compansión de la compa

en en en en tratago de la composition de la entratago de la composition de la entratago de la entratago de la e La composition de la composition de la entratago de la entratago de la entratago de la entratago de la entrata La entratago de la entratago d

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	5/2/2008 Date
attached Agreed Order on behalf of the entity	the attached Agreed Order. I am authorized to agree to the indicated below my signature, and I do agree to the terms cknowledge that the TCEQ, in accepting payment for the representation.
 timely pay the penalty amount, may result in: A negative impact on compliance history Greater scrutiny of any permit applicant Referral of this case to the Attorney of penalties, and/or attorney fees, or to a compliance in any future enforcements. Automatic referral to the Attorney General to the	tions submitted; General's Office for contempt, injunctive relief, additional collection agency; cement actions; neral's Office of any future enforcement actions; and
Signature Signature	Date
Name (Printed or typed) Authorized Representative of	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

 $\frac{1}{2} \frac{1}{2} \frac{1}$